



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, October 19, 2010

6:30 PM

Huntington Building

PUBLIC SAFETY COMMITTEE MEETING AT 5:30 P.M.

NOMINATING AND RULES COMMITTEE MEETING AT 6:15 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson; Rennell Woods and Mikel Fears

Absent 1 - Gene Vance

4. SPECIAL PRESENTATIONS

COM-10:104 Presentation by Ms. Joan Cash

State Representative Joan Cash presented Fire Chief Leonard Jadrich with seven American flags and seven State of Arkansas flags, one each for the seven fire stations in the City. She thanked the Fire Department for their work for the City and citizens of Jonesboro.

COM-10:112 Proclamation for the Arkansas State University Black Out Game.

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation to Dr. Dean Lee. He explained ASU will be playing a football game against Middle Tennessee that will be nationally televised on ESPN on Tuesday, November 2. He noted this is ASU's first ever nationally televised game. He congratulated the Red Wolves for the televised game and encouraged the citizens to watch the game in support of ASU. Dr. Lee thanked the Mayor and City Council for their support.

COM-10:115 Proclamation to Jonesboro High School Golf Team for winning State Championship for their class.

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation to Coach Brian Jenkins. The Jonesboro High School Golf Team was named 2010 Class 6A East Conference and Class 6A

State Golf Champions with a record of 20 wins and only 1 loss. He congratulated the team for their success.

COM-10:116

Proclamation to Valley View High School Golf Team for winning their State Tournament Class

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation to Coach Phil Parker. He stated the Valley View High School Boys Golf Team was named the 2010 District 4A 3-conference Champions as well as 4A State Champions with a record of 43 wins and 5 losses. He also presented a proclamation to Valley View High School Junior Drake Merritt for being named Class 4A State Champion as an individual golfer. He congratulated the team and Mr. Merritt for their successes.

COM-10:117

Proclamation for Ridgefield Christian School winning Golf Class title and Cam McKinney for winning State Championship for this class.

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation to Coach Chris Viala. He stated the boys golf team was named state runner-up. He also presented a proclamation to Ridgefield Christian Senior Cameron McKinney for being named a Class 1A State Champion golfer as an individual. He congratulated the team and Mr. McKinney for their accomplishments.

Announcement concerning millage resolutions

Mayor Perrin announced to those in the audience who may be attending due to the millage resolutions that he has received permission from the State to use part of next year's public safety sales tax revenues to help fund the pension plans. He explained the property millages will not be increasing in 2011. He thanked the State and the City Attorney for their work.

COM-10:105

Presentation by Dr. Jerry Farris concerning the vegetative management study.

Dr. Farris discussed the vegetation management study for stormwater management in the City. He stated they have been working on the study for the past two years in conjunction with the USDA ARS in order to look at the ditches in order to reduce the risk of the water in the ditches not flowing well. He discussed the ditches and the study they are conducting. Councilman Hargis questioned whether they were using the streamgauges. Dr. Farris stated they using them to be able to predict what areas will backup, so those stations will become more important in the future. Councilman Moore asked if they were able to make a conclusion as to what the City should do regarding ditches in north Jonesboro that have small trees as well as other large vegetation growing. Dr. Farris suggested developing an elaborate checklist and watching the ditches on a regular basis, which will show the City where the priorities are. Councilman Moore noted there are several ditches that are uncontrollable and have vegetation that has grown up even after being worked on. He then asked for a copy of the study. Mayor Perrin stated he would send the report out to the Council members. Further discussion was held concerning the ditches. Councilman Moore asked whether the study is completed or if another phase needs to take place. Dr. Farris stated this current portion in which the vegetation is characterized is complete and can be used by the Corps of Engineers. He added they are part of an ongoing study with surrounding states.

5. CONSENT AGENDA

A motion was made by Councilman Chris Moore, seconded by Councilman Tim McCall, to adopt the consent agenda. The motion passed BY VOICE VOTE.

MIN-10:093

Minutes for the City Council meeting on October 5, 2010.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

6. NEW BUSINESS

RESOLUTIONS TO BE INTRODUCED

RES-10:104

A RESOLUTION TO condemn property at 614 W Jefferson

Sponsors: Code Enforcement

No one spoke in opposition to the condemnation.

A motion was made by Councilman Chris Moore, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

Enactment No: R-EN-098-2010

RES-10:105

A RESOLUTION TO Condemn property at 1205 W Washington

Sponsors: Code Enforcement

Mr. Steve Barkley, 1209 West Washington, explained he is in the process of purchasing the property. He and his wife plan to raze the house and add it to their property. He further explained he is going through Green Tree Mortgage Company, which is an out of state company. He stated they have sent payment for the property a month ago, but they do not have their paperwork yet. He requested an extension in order to raze the property himself after the purchase is complete. Code Enforcement Officer Ronnie Shaver stated he has been working with Mr. Barkley and he verified with Green Tree Financial that they have received Mr. Barkley's check for purchase of the property. He added he has no issues with an extension being granted. Councilman Moore noted the owner of the property has 45 days to purchase a permit before any action is taken even if the condemnation is passed. He questioned whether the property purchase would close in 45 days. Mr. Barkley answered he wasn't sure because the company is waiting on a signature. Councilman Moore suggested approving the condemnation, but in the future allowing an extension if no progress is made with the mortgage company. He expressed concern about setting a precedent if the Council grants an extension due to Mr. Barkley not being the current owner. Councilman Moore added he has no problem granting an extension to Mr. Barkley after the purchase is complete. Mr. Shaver stated he will stay in touch with Mr. Barkley.

A motion was made by Councilman Chris Moore, seconded by Councilman Tim McCall, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

Enactment No: R-EN-099-2010

RES-10:132

A RESOLUTION APPROVING THE RECOMMENDATION OF THE JONESBORO POLICE PENSION BOARD AND TO LEVY A ONE-HALF (.5) MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE JONESBORO POLICE PENSION FUND

Sponsors: Finance

Councilwoman Williams motioned, seconded by Councilman Street, to amend the resolution to reflect .5 mill instead of 1 mill. All voted aye.

Councilman Dover clarified that the resolution would not be increasing anything. Mayor Perrin agreed. He added the 2011 millage rate will be the same as the 2010 millage rate.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Chris Moore, that this matter be Passed as Amended . The motion PASSED by a unanimous vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

Enactment No: R-EN-100-2010

RES-10:133

A RESOLUTION APPROVING THE RECOMMENDATION OF THE LOCAL FIREMENS PENSION BOARD AND TO LEVY A ONE-HALF (.5) MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE LOCAL FIREMENS PENSION AND RELIEF FUND

Sponsors: Finance

Councilman Dover motioned, seconded by Councilman Street, to amend the resolution to levy .5 mill instead of 1 mill. All voted aye.

A motion was made by Councilman Mikel Fears, seconded by Councilwoman Ann Williams, that this matter be Passed as Amended . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

Enactment No: R-EN-101-2010

RES-10:139

A RESOLUTION TO LEVY A 2 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE PUBLIC LIBRARY TAX

Sponsors: Finance and Mayor's Office

Councilman Fears clarified that this millage is not being raised. Mayor Perrin answered no, the millage is the same as it's always been.

A motion was made by Councilman Mikel Fears, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

Enactment No: R-EN-102-2010

7. UNFINISHED BUSINESS

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

On October 27th, he will be meeting with Highway Department along with Councilman Street, City Engineer Craig Light and Engineer Brent Watkins. They will be going over the Highway Department's recommendations for the cloverleafs in Jonesboro.

All of the financial reports are complete and will be emailed out tomorrow. The O&M revenues year to date are \$940,000 over budget, but there are \$545,000 of non-recurring expenses. That will leave the City at \$395,000 over budget in O&M revenues year to date. Franchise tax revenue is \$401,000 under budget, but sales tax revenue is over budget. Overall revenue is over budget and expenses are under budget. Personnel expense is \$454,000 below budget through September 30th. The month of September is the first month since March that the City has had a positive cash flow. The City currently has \$12,850,000 in O&M reserves, of which only \$5,093,000 is required, leaving excess reserves of \$7,760,000. He is hoping to end the year at \$750,000 in deficit spending, instead of the \$4.3 million that was budgeted.

He is trying to make contact with Attorney Wick Nesbitt in Little Rock regarding the non-uniform pension plan. A letter has been sent to Principal regarding the transfer. It was noted it's been two weeks since Mr. Nesbitt sent the letter to Principal. Last month, the non-uniform pension plan return increased. They have not heard anything from Principal at this time.

He noted the next Council meeting is scheduled for November 2nd, which is Election Day. He asked for the meeting to be rescheduled. Councilman Dover motioned, seconded by Councilman Moore, to reschedule the November 2nd City Council meeting to November 4th. All voted aye.

COM-10:107

Jonesboro Airport Commission financial statements for the nine months ended September 30, 2010, and 2009

Sponsors: Mayor's Office

9. CITY COUNCIL REPORTS

Councilman Street asked for the Public Works Committee meeting scheduled for November 2nd to also be moved to November 4th. Councilman Moore motioned, seconded by Councilman Dover, to reschedule the November 2nd Public Works Committee meeting to November 4th. All voted aye.

Councilman Woods stated he had a citizen call him commending the City for recent work some employees performed to improve water flow. He also commended the Mayor for his work on the budget.

Councilwoman Williams motioned, seconded by Councilman Dover, to add ORD-10:080 and ORD-10:081 to the agenda. All voted aye.

ORD-10:080

AN ORDINANCE TO AMEND THE 2010 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A CHIEF OPERATIONS OFFICER TO THE MAYOR'S ADMINISTRATION DEPARTMENT

Sponsors: Mayor's Office and Human Resources

Councilwoman Williams offered the ordinance for first reading.

Councilman Dover motioned, seconded by Councilwoman Williams, to suspend the rules and waive second and third readings. All voted aye.

Councilman Johnson motioned, seconded by Councilwoman Williams, to adopt the emergency clause. All voted aye.

A motion was made by Councilman Darrel Dover, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

Enactment No: O-EN-056-2010

ORD-10:081

AN ORDINANCE TO AMEND THE 2010 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A CHIEF FINANCIAL OFFICER TO THE FINANCE DEPARTMENT

Sponsors: Mayor's Office and Human Resources

Councilwoman Williams offered the ordinance for first reading.

Councilwoman Williams motioned, seconded by Councilman Gibson, to suspend the rules and waive second and third readings. All voted aye.

Councilman Johnson motioned, seconded by Councilman Street, to adopt the emergency clause. All voted aye.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

Enactment No: O-EN-057-2010

Councilwoman Williams stated she attended the exit interview with Legislative Audit. The audit reflected the state of the City's finances has much improved.

Councilman Hargis reiterated a need for an independent audit. He explained it would benefit the City in the future.

10. PUBLIC COMMENTS

Mr. Dan Melton, representing the retired firefighters, stated he appreciates the efforts of the City Council in the past to help the retired firefighters. He explained he wishes some of the media had taken more time to research the matter with the millages.

COM-10:121

Request for an appeal hearing regarding the lack of a decision by the MAPC regarding the rezoning request by Mr. Kent Arnold.

Mr. Kent Arnold discussed a recent rezoning request for Panera Bread that was taken to the MAPC. The current zoning does not allow for fast food restaurants, but does allow for restaurants. He stated Panera Bread would not fall under the restaurants distinction due to the menu board. He explained the MAPC approved the pick-up, but did not approve the menu board. He added 10% to 15% of Panera's business is generated from the drive-thru window. City Planner Otis Spriggs explained Mr. Arnold has two options: to appeal the site plan approval or to appeal the rezoning that was not forwarded to Council with a positive recommendation. He stated they have decided to take it through the rezoning appeal process to amend the C-3 LUO to allow for this specific use with the provision of no fast food restaurants. Councilman Frierson questioned whether an amendment needs to be made to the Zoning Ordinance to further define the requirements. Mr. Spriggs stated stipulations were placed for specific restrictions for that site that included no fast food restaurants. He explained the MAPC approved the site plan, but put restrictions on the window. He further explained the rezoning had no action taken by the MAPC, so it was therefore defeated.

Councilman Frierson then questioned what the Council is being asked to do. Mr. Spriggs stated the applicant should be asking for an appeal hearing, but he doesn't think the applicant followed the proper procedure due to not formally asking for an appeal. City Attorney Phillip Crego agreed with Mr. Spriggs, stating he doesn't think the applicant has followed the correct procedure for filing an appeal. Mr. Spriggs stated it is his understanding Mr. Arnold is prepared to file a letter asking for an appeal hearing.

Mr. Arnold provided the Mayor with a letter requesting an appeal hearing regarding the rezoning.

Councilman Johnson recommended holding a public hearing because he wants to make sure there are no objections from the surrounding residents.

Councilman Dover asked for clarification as to what the City Council is being asked to do tonight. Mr. Arnold stated he is asking the City Council to amend the C-3 LUO restriction to allow for a café/bakery full-service restaurant with a drive-thru window. He added the fast food restriction can be left in the LUO because they are not asking

for a fast food restaurant.

City Attorney Crego stated the applicant has been advised of the procedure as to filing an appeal and is just now attempting to file the letter during the meeting. He added the decision is left with the Council as to how to proceed.

Councilman Johnson motioned, seconded by Councilman Fears, to set the appeal hearing for 6:15 p.m. on November 4th. All voted aye.

Councilman Frierson reiterated that appealing the judgment does not change the ordinance restriction. He stated an ordinance defining a fast food restaurant with a window that doesn't cover Panera should be adopted. He explained the ordinance could cover just what Panera wants to do in order to restrict fast food restaurants in the future. Councilman Street agreed, stating Panera is not a fast food restaurant like McDonalds.

Councilman Johnson stated he would like to see what percentage of sales is expected to be generated from the window service and asked for better clarification from City Attorney Crego.

City Attorney Crego noted according the appeal letter that was submitted by Mr. Arnold the appeal hearing is regarding the request submitted to MAPC asking that the fast food restaurant restriction on the property be removed from the LUO. Mr. Spriggs agreed. City Attorney Crego then clarified that the appeal hearing will be asking to amend the rezoning ordinance to remove the fast food restriction. Councilman Frierson asked for clarification that the rezoning was not approved by the MAPC. City Attorney Crego agreed, noting the rezoning request died for lack of a motion.

11. ADJOURNMENT

A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Gene Vance

_____ **Date:** _____
Harold Perrin, Mayor

Attest:

_____ **Date:** _____
Donna Jackson, City Clerk